



News from the
Committee on Natural Resources
Rep. Nick J. Rahall, II - Chairman

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Statement of U.S. Rep. Nick J. Rahall, II
Chairman, Committee on Natural Resources
Oversight Hearing on the
Recent Supreme Court Decision in *Carcieri v. Salazar*
and its Ramifications on Indian Tribes
April 1, 2009

The Committee is meeting today to conduct an oversight hearing on the recent Supreme Court decision in *Carcieri v. Salazar* and its effects on Indian tribes.

In the decision, the Supreme Court held that the Indian Reorganization Act did not allow land to be placed into trust for a tribe that was not "now under Federal jurisdiction" referring to 1934, the date of enactment of the statute.

While there are those who want to portray this decision and its ramifications solely as a "gaming" issue, let me assure everyone that it is much more than that. Land is an essential component of sovereignty for any government, including tribal governments. Not only does a land base help promote cultural preservation which is essential for the survival of a group of people, but it also affects the ability of a government to provide for its citizens.

Native Americans already suffer from higher death rates due to various diseases, live in substandard housing, have lower rates of educational achievement, and experience an average poverty rate of 26 percent – with some tribes suffering from a poverty rate of over 50 percent. Placing land into trust for an Indian tribe is an essential component of combating the situations experienced by Indian tribes as a result of their treatment by the United States. Even beyond the legal responsibility, the Federal government has a moral responsibility to rectify this situation.

While all of the potential ramifications of this decision are not known at this time, there is one thing that we are certain of: This decision may result in many frivolous lawsuits being filed to challenge the status of virtually every tribe.

This will require the Federal government and the American people to return to 1934 to determine what "now under Federal jurisdiction" means. The early 1930s was a time of racial segregation, with many people of color denied the right to vote, and adequate health care and education was only available to a few. This is not a time that I wish to return.

I look forward to hearing the testimony of the witnesses on whether or not the Court was correct in interpreting the legislative history of the I.R.A., and how the Administration has defined "now under Federal jurisdiction" since 1934.